

monthly basis. The officer shall refund any amount received under this section in excess of the amount that corresponds to the actual period of active duty served by the officer.

(d) SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.

(Added Pub. L. 102-190, div. A, title VI, §634(a), Dec. 5, 1991, 105 Stat. 1381; amended Pub. L. 104-106, div. A, title XV, §1501(d)(4)(A), Feb. 10, 1996, 110 Stat. 500; Pub. L. 106-398, §1 [[div. A], title VI, §625(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153.)

#### AMENDMENTS

2000—Subsec. (d). Pub. L. 106-398 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “While a reserve medical officer receives a special pay under section 302 of this title by reason of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.”

1996—Subsec. (b)(2), (3)(A). Pub. L. 104-106 substituted “section 12305 of title 10” for “section 673c of title 10”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

#### ACTIVE DUTY IN CONNECTION WITH OPERATION DESERT STORM

Pub. L. 102-25, title III, §304, Apr. 25, 1991, 105 Stat. 81, as amended by Pub. L. 102-190, div. A, title VI, §656, Dec. 5, 1991, 105 Stat. 1393, provided that:

“(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

“(1) the call or order of the officer to active duty be for a period of not less than one year; or

“(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

“(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

“(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

“(2) is involuntarily retained on active duty under section 673c [now 12305] of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

“(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

“(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the

portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

“(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

“(e) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303a of this title.

### § 302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed \$10,000.

(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

(d) REFUND REQUIREMENT.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

(e) INAPPLICABILITY OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

(f) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after December 31, 2001.

(Added Pub. L. 104-106, div. A, title VI, §614(a)(1), Feb. 10, 1996, 110 Stat. 360; amended Pub. L. 104-201, div. A, title VI, §611(a), Sept. 23, 1996, 110 Stat. 2543; Pub. L. 105-85, div. A, title VI, §611(a), Nov. 18, 1997, 111 Stat. 1785; Pub. L. 105-261, div. A, title VI, §611(a), Oct. 17, 1998, 112 Stat. 2038; Pub. L. 106-65, div. A, title VI, §611(a), Oct. 5, 1999, 113 Stat. 649; Pub. L. 106-398, §1 [[div. A], title VI, §621(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-151.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 100-456, div. A, title VI, §613, Sept. 29,

1988, 102 Stat. 1981, as amended, which was set out as a note under section 302 of this title, prior to repeal by Pub. L. 104-106, § 614(c)(1).

#### AMENDMENTS

2000—Subsec. (f). Pub. L. 106-398 substituted “December 31, 2001” for “December 31, 2000”.

1999—Subsec. (f). Pub. L. 106-65 substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsec. (f). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (f). Pub. L. 105-85 substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (f). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303a of this title.

### § 302h. Special pay: accession bonus for dental officers

(a) **ACCESSION BONUS AUTHORIZED.**—(1) A person who is a graduate of an accredited dental school and who, during the period beginning on the date of the enactment of this section, and ending on September 30, 2002, executes a written agreement described in subsection (c) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

(2) The amount of an accession bonus under paragraph (1) may not exceed \$30,000.

(b) **LIMITATION ON ELIGIBILITY FOR BONUS.**—A person may not be paid a bonus under subsection (a) if—

(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or

(2) the Secretary concerned determines that the person is not qualified to become and remain certified and licensed as a dentist.

(c) **AGREEMENT.**—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

(d) **REPAYMENT.**—(1) An officer who receives a payment under subsection (a) and who fails to become and remain certified or licensed as a dentist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.

(Added Pub. L. 104-201, div. A, title VI, § 615(c)(1), Sept. 23, 1996, 110 Stat. 2545.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a)(1) and (d)(4), is the date of enactment of Pub. L. 104-201, which was approved Sept. 23, 1996.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303a of this title.

### § 302i. Special pay: pharmacy officers

(a) **ARMY, NAVY, AND AIR FORCE PHARMACY OFFICERS.**—Under regulations prescribed pursuant to section 303a of this title, the Secretary of the military department concerned may, subject to subsection (c), pay special pay at the rates specified in subsection (d) to an officer who—

(1) is a pharmacy officer in the Medical Service Corps of the Army or Navy or the Biomedical Sciences Corps of the Air Force; and

(2) is on active duty under a call or order to active duty for a period of not less than one year.

(b) **PUBLIC HEALTH SERVICE CORPS.**—Subject to subsection (c), the Secretary of Health and Human Services may pay special pay at the rates specified in subsection (d) to an officer who—

(1) is an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a pharmacy officer; and

(2) is on active duty under a call or order to active duty for a period of not less than one year.

(c) **LIMITATION.**—Special pay may not be paid under this section to an officer serving in a pay grade above pay grade O-6.

(d) **RATE OF SPECIAL PAY.**—The rate of special pay paid to an officer under subsection (a) or (b) is as follows:

(1) \$3,000 per year, if the officer is undergoing pharmacy internship training or has less than 3 years of creditable service.

(2) \$7,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing pharmacy internship training.

(3) \$7,000 per year, if the officer has at least 6 but less than 8 years of creditable service.

(4) \$12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

(5) \$10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

(6) \$9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

(7) \$8,000 per year, if the officer has 18 or more years of creditable service.

(Added Pub. L. 106-398, § 1 [[div. A], title VI, § 628(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-154.)